

Remarks

The Office Action mailed April 29, 2009 and made final has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 3-5, 7-10, 14, 17, and 19-28 are now pending in this application. Claims 1, 3-10, 13-17, and 19-28 stand rejected. Claim 13 is cancelled herein. Claims 2, 6, 11, 12, 15, 16 and 18 have been previously cancelled.

Applicant acknowledges the Examiner's indication that Claims 13 and 14 are objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. By the above amendment, Claim 13 has been cancelled. Independent Claims 1, 9 and 10 have been amended to include the recitations of allowable dependent Claim 13. In addition, independent Claim 25 has been amended to include the recitations of allowable dependent Claim 14.

Claims 3-5, 7-8, 21, 22, 27 and 28 depend from independent Claim 1. Claim 23 depends from independent Claim 9. Claims 14, 17, 19, 20 and 24 depend from independent Claim 10. Claim 26 depends from independent Claim 25. Accordingly, all of the pending claims are in condition for allowance.

Applicant has cancelled certain claims included herein without waiver, prejudice, or disclaimer. Applicant expressly reserves the right to pursue the subject matter of these cancelled claims in a divisional or continuation application.

The rejection of Claims 1, 3-5, 7-10, 20-22 under 35 U.S.C. § 103(a) as being unpatentable over Garber (U.S. Pat. No. 7,044,373) in view of Walsh (U.S. Pat. No. 6,394,290) in further view of Smeyak (U.S. Pub. No. 2003/0061706) is respectfully traversed.

Garber describes using various portable and non-portable RFID devices to read information from an RFID tag on an item, specifically, library materials such as books, periodicals, and magnetic and optical media. Information about the scanned library item is displayed in on the RFID device or an associated computer such that the RFID tag replaces known barcodes associated with library items. The displayed information can be used to sorts the library items for re-shelving. Garber further describes placing sorted books onto

portable carts to be transported to their appropriate locations in the library. The portable carts incorporate portable RFID devices connected to antennas running the length of each cart shelf to enable the cart to take an inventory of the items on the cart. The cart may be plugged-in to a software system and data from the cart transferred to the software system. Garber is silent regarding placement of the RFID device with respect to the cart. Moreover, Garber only describes adhering the RFID tags to the library items.

Walsh describes a display stand for use in point-of-purchase display in the advertising industry. The display stand is formed from a single sheet of corrugated paper board. The display stand includes shelves for supporting the articles to be displayed that have a support and securing means which prevent the shelves as well as the display stand from bulging or sagging after repeated and extended use. The securing means includes a plastic hook affixed to the display stand with pop rivets or eyelets. As is known, pop rivets and/or eyelets are generally fabricated from metal. As described in Applicant's specification, metal may interfere with the RFID tags and/or antennas and, as such, Applicant respectfully submits that one of ordinary skill in the art at the time the invention was made would not look to a display stand that included metal components to arrive at the presently pending claims. For this reason alone, Applicant respectfully requests that the Section 103 of the presently pending claims be withdrawn.

Further, in Walsh, the shelves of the display unit are formed from an extended and foldable portion of the front panel, and a foldable portion of the back panel. As such, the front panel is necessary for forming and supporting the shelves. Accordingly, the display unit does not include an open display front and/or a removable front panel, as recited in Claims 23 and 25, discussed below. The display stand in Walsh is also provided with shelf securing means for connecting the side panels and the shelves, which provide added stability to the display stand while weight-bearing. Notably, Walsh is silent regarding an RFID tag, and RF antenna, and/or an RFID tag reader.

Smeyak describes a method of making an interactive information package, including an interactive information closure including a radio frequency identification device. The package includes a microelectronics assembly on an inside surface of the top wall portion of the closure of the package. After formation of the assembly, it is contemplated that a sealing liner be positioned within the closure so that the microelectronics assembly is positioned between the top wall portion and the sealing liner.

Claim 1 recites “a system for monitoring inventory in a point of purchase display, comprising...a portable display stand, having a display area including at least one shelf, operably configured to support an article being displayed for sale thereon, the portable display stand configured to be collapsible...the display stand further having at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall, wherein the at least one bottom wall, side wall, back wall, top wall and front wall being fabricated at least in part from corrugated paperboard comprising a plurality of layers of paper...at least one article being displayed for sale within the display area, said article operably configured to be positioned on the at least one shelf...the at least one article containing a radio frequency identification tag...a single radio frequency antenna embedded within the corrugated paperboard between juxtaposed layers of paper...a radio frequency identification tag reader, operably connected to the radio frequency antenna, for transmitting to and receiving radio frequency signals from the radio frequency identification tag, the radio frequency identification tag reader being operably configured to interrogate any radio frequency identification tags located within the display area...the radio frequency identification tag reader being operably connectable to a remotely situated monitoring apparatus, for providing a remote indication of the presence and absence of the at least one article containing the radio frequency identification tag, within the display area.”

None of Garber, Walsh or Smeyak, considered alone or in combination, describe or suggest a system for monitoring inventory in a point of purchase display as recited in Claim 1.

Claim 13 has been indicated as being allowable if rewritten in independent form. Applicant has amended independent Claim 1 to include the recitations of allowable Claim 13. Accordingly, Claim 1 is submitted to be patentable over the combination of Garber, Walsh and Smeyak.

Claims 3-5, 7, 8, 21, and 22 depend from independent Claim 1. When the recitations of Claims 3-5, 7, 8, 21, and 22 are considered in combination with the recitations of Claim 1, Applicant respectfully submit that dependant Claims 3-5, 7, 8, 21, and 22 likewise are patentable over Garber, Walsh and Smeyak.

Similarly, independent Claims 9 and 10 have been amended to include the recitations of allowable Claim 13. Accordingly, Claims 9 and 10 are submitted to be patentable over the combination of Garber, Walsh and Smeyak.

Claim 20 depends from independent Claim 10. When the recitations of Claim 20 are considered in combination with the recitations of Claim 10, Applicant respectfully submits that dependant Claim 20 likewise is patentable over Garber, Walsh and Smeyak.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 1, 3-5, 7-10, and 20-22 under 35 U.S.C. § 103(a) be withdrawn.

The rejection of Claims 17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Garber in view of Walsh in further view of Smeyak, and in further view of Dietz (U.S. Pat. No. 6,546,795) is respectfully traversed.

Garber, Walsh and Smeyak are described above. Dietz describes a wireless liquid sensing system that includes a beverage container and a table top for holding the container. Embedded in the walls and bottom of the container are two electrically conductive plates coupled to a transponder wire coil. A reader radiates an RF signal at a predetermined frequency through a reader antenna. A microprocessor, also coupled to the transponder coil and the two plates, is powered by a rectifier circuit that gains power from then radiated RF signal. The microprocessor amplitude modulates the RF signal in accordance with the amount of liquid in the container. The reader can then detect this modulation with a peak detector to sense the amount of the substance in the container when the transponder antenna is inductively coupled to the reader antenna at the predetermined frequency.

Claims 17 and 19 depend from independent Claim 10. Independent Claim 10 has been amended to include the recitations of allowable Claim 13. When the recitations of Claims 17 and 19 are considered in combination with the recitations of Claim 10, Applicant respectfully submits that dependant Claims 17 and 19 likewise are patentable over Garber, Walsh, Smeyak and Dietz.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 17 and 19 under 35 U.S.C. § 103(a) be withdrawn.

The rejection of Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Garber in view of Walsh in view of Smeyak, and further in view of Weaver (U.S. Patent No. 6,813,771) is respectfully traversed.

Garber, Walsh and Smeyak are described above. Weaver describes a portable display and listening stand configured to display, demonstrate, and sell media such as music compact disks (CDs). A bottom compartment accommodates a CD player that is set up to drive a headphone set that is made available to a user. An open bin located above the bottom compartment holds a small quantity of CDs packaged in individual “jewel-box” cases. The display rack can be made integral or can be assembled from two or more component portions that can be separated and that can nest together for convenient storage, transportation or shipping.

Claim 23 depends from independent Claim 9. Independent Claim 9 has been amended to include the recitations of allowable Claim 13. When the recitations of Claim 23 are considered in combination with the recitations of Claim 9, Applicant respectfully submits that dependant Claim 23 likewise is patentable over Garber, Walsh, Smeyak and Weaver.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claim 23 under 35 U.S.C. § 103(a) be withdrawn.

The rejection of Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Garber in view of Walsh in view of Smeyak, and further in view of Palmer (U.S. Patent No. 5,530,702) is respectfully traversed.

Garber, Walsh and Smeyak are described above. Palmer describes a one-time use RFID tag for use in a supermarket “Checkout System.” The RFID tags are attached conformably to articles held for sale in a supermarket. The purchaser loads up a shopping cart with the tagged articles to be purchased, and moves the cart into an enclosure at the point of sale which is appropriately shielded from the entrance or escape of radio-frequency emissions. Once ID codes have been successfully received for all tagged articles, the network controller transmits a signal to the RFID tags permanently disabling the RFID tags from attempting to communicate further.

Claim 24 depends from independent Claim 10. Independent Claim 10 has been amended to include the recitations of allowable Claim 13. When the recitations of Claim 24

are considered in combination with the recitations of Claim 10, Applicant respectfully submits that dependant Claim 24 likewise is patentable over Garber, Walsh, Smeyak and Palmer.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claim 24 under 35 U.S.C. § 103(a) be withdrawn.

The rejection of Claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Walsh in view of Garber, and further in view of Kuhns et al. (U.S. Patent No. 6,816,125) ("Kuhns") is respectfully traversed.

Garber and Walsh are described above. As discussed above, Applicant respectfully submits that it would not be obvious to combine the teachings of Walsh with the teachings of Garber to arrive at the presently pending claims. Further, Applicant respectfully submits that it would not be obvious to combine the teaching of Kuhns with the teachings of Garber and/or Walsh. More specifically, Applicant respectfully submits because Walsh is silent regarding RFID systems, it would not be obvious to combine the method of fabricating an article with a conductive metal pattern that may be used in an RFID system with the display of Walsh. Further, while the articles described in Kuhns may be combined into the RFID system of Garber, such a combination still does not describe or suggest Claims 25 and/or 26. Accordingly, Applicant respectfully requests that Section 103 rejection of Claims 25 and 26 be withdrawn.

Kuhns describes an article that includes a substrate having a layer of metal powder composition deposited thereon. The substrate is a paper or a compressible material. The metal powder composition includes metal particles therein for conducting electricity through a pattern formed by the layer of metal powder composition. The conductive metal pattern provides electrical circuits, loop antennae, dipole antennae, connectors, connection pads, capacitors, capacitor plates, bridges, resonant coils, vias, resistors, and/or inductive coils. As such, the article may be used as an RFID tag or an antenna. In one embodiment, the article is integrated into an RFID system for document and file management. The RFID system includes one or more antennas per shelf in various locations with respect to the shelf. Notably, Kuhns does not describe or suggest that a single RF antenna can interrogate RFID tags on more than one shelf. As such, Kuhns does not overcome the deficiencies of Garber and/or Walsh.

Claim 14 has been indicated as being allowable if rewritten in independent form. Applicant has amended independent Claim 25 to include the recitations of allowable Claim 14. Accordingly, Claim 25 is submitted to be patentable over the combination of Garber, Walsh and Khuns.

For at least the reasons set forth above, Applicant respectfully submits that Claim 25 is patentable over Walsh in view of Garber, and further in view of Kuhns.

Claim 26 depends from independent Claim 25. When the recitations of Claim 26 are considered in combination with the recitations of Claim 25, Applicant submits that dependent Claim 26 likewise is patentable over Walsh in view of Garber and further in view of Kuhns.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 25 and 26 under 35 U.S.C. § 103(a) be withdrawn.

The rejection of Claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Garber in view of Walsh in view of Smeyak, and further in view of Boom Coburn et al. (U.S. Pub. No. 2003/0173247) (“Boom Coburn”) is respectfully traversed.

Garber, Walsh and Smeyak are described above.

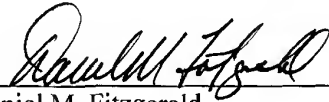
Boom Coburn describes a substrate transport container. The substrate transport container includes a container and a cover. The container includes an open top portion and a closed bottom portion, each having a perimeter greater than the middle portion of the container. The cover further includes a carrier, which is used for transporting information pertaining to the substrate. The interior of the container includes insert members. The insert includes outer and inner guide rails, compound slanted guides, recessed buttons and catch knobs. The rails are open at the top to provide an easy guide when placing the substrate in the container. The rails then narrow, and along with the compound slanted guides, provide a design that securely holds the substrate in place. The insert is angled such that the outer rim of the substrate will only contact the insert. The insert and container are formed together through a two shot or over molding process. Notably, Boom Coburn does not describe or suggest that a single RF antenna can interrogate RFID tags on more than one shelf. As such, Boom Coburn does not overcome the deficiencies of Garber and/or Walsh.

Claims 27 and 28 depend from Claim 1. Claim 1 is recited above. Independent Claim 1 has been amended to include the recitations of allowable Claim 13. When the recitations of Claims 27 and 28 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that dependant Claims 27 and 28 likewise are patentable over Garber, Walsh, Smeyak and Boom Coburn.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 27 and 28 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Daniel M. Fitzgerald", is written over a horizontal line.

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